

REMARKS:

The courtesies extended to the undersigned by the Examiner, Mohammed Ullah Masud, and by SPE Matthew Gart during the personal interview held January 6, 2011, are acknowledged and appreciated. As discussed with the Examiners, applicants, their principal representatives in Germany, and the undersigned have carefully reviewed the final Office Action of October 13, 2010, in the subject U.S. patent application, together with the prior art cited and relied on in the rejection of the claims. As discussed during the interview, and for the reasons to be set forth below, it is believed that the claims which are now pending in the subject application are patentable over the prior art cited and relied on, taken either singly or in combination.

Reexamination and reconsideration of the application, and allowance of the claims, is respectfully requested.

As discussed with the Examiners during the interview, the subject invention is directed to a method or a process for storing rolls of paper that are to be used in roll changers of a web-fed rotary printing press. As may be seen in Fig. 2, the rolls of material are initially delivered to a stock reception area, generally at 18. These rolls of material are typically wrapped in a protective overwrap and are delivered to the stock reception area by rail or by truck. The sizes and types of material rolls are as varied as the printing processes that will be performed by the printing press. These rolls of material are kept in the stock reception area until a planned production run of the printing press requires that they be unwrapped and be prepared for use. Such preparation for use typically involves the application of a glue strip so that a new web can be spliced to an exhausting web in a flying roll change.

The rolls of material are transported to unpacking station 37 where their protective wrapping is removed. Some of these unwrapped rolls are then prepared by passing through a glue application station 38. Others of the unwrapped rolls remain unprepared. As discussed during the interview, this distinction between prepared rolls and unprepared rolls is based on the life of the glue or splice tape that is applied to the rolls in the preparation station 38.

The prepared rolls of material and the yet-to-be-prepared rolls of material are transported to a depot, which is depicted generally at 21 in Fig. 2. The depot has a defined number of roll storage spaces. As is discussed in the Substitute Specification, and particularly at paragraph 087 thereof, the prepared rolls are placed in the second outer shelf block 23, which is the one of the three shelf blocks 22, 23, and 24 located in the depot 21, which is the closest to the roll changers 06 of the web-fed rotary printing press. The yet-to-be-prepared, or unprepared, rolls of material are placed in the first outer shelf block 22. That is the one of the three shelf blocks in the depot which is furthest away from the roll changers. The center shelf block 24, depending on how full the depot 21 is, may store either prepared or unprepared rolls of material, or may store both.

As recited in currently amended claim 37, there is presented a material flow system for the web-fed rotary printing machine. That system includes a plurality of transport devices and systems such as the ones depicted at 19 and at 30. These are used to bring the rolls of material from the stock reception area to the unpacking station, to the roll preparation station, to the depot, and, ultimately, to the roll changers. That material flow system is provided with production-relevant data for a planned

production run. Based on that production-relevant data, rolls are taken from the stock reception area, are unwrapped, some are prepared, and are delivered to assigned ones of the roll storage spaces in the depot.

The depot itself has a depot management system which is described in paragraph 048 of the Substitute Specification, and which is provided with information regarding the preparation of rolls of material that are located in the various roll storage spaces in the depot. Some of the rolls of material in the depot may be new prepared rolls that have been recently supplied to the depot. Others may be new, yet-to-be-prepared rolls that have recently been supplied to the depot. Still others may be rolls or partial rolls which were retained in the depot because of the termination of a prior production run or which were not used.

In the subject invention, as recited in currently amended, independent claim 37, the production-oriented storage strategy and the information on the locations of the various rolls in the depot, as provided by the depot management system, are used to accomplish a repositioning of the rolls of material in the depot. The prepared rolls, which will be used in the operation of the web-fed rotary printing machine are positioned in selected ones of the roll storage spaces that are adjacent to the web-fed rotary printing machine. The unprepared rolls of material, which will be prepared and then returned to the depot, are positioned in other ones of the depot roll storage areas. Such positioning of the prepared rolls close to the press and the unprepared rolls less close to the press and closer to the roll preparation station serves to accomplish optimized delivery of the prepared rolls from the depot to the roll changers of the web-fed rotary printing press, using the material flow system.

In the final Office Action of October 13, 2010, in the subject U.S. patent application, Examiner Ullah Masud rejected claims 37-66 and 69 assertedly because the claimed invention was directed to non-statutory subject matter. As was discussed with Examiner Ullah Masud and with SPE Gart during the interview, the undersigned has reviewed the "Interim Guidance for Determining Subject Matter Eligibility for Process Claims in View of *Bielsky v. Kappos*", as set forth in No. 143 of Volume 75 of the Federal Register, published July 27, 2010. It is believed that the claims now pending in the subject application meet the criteria for method claims that comply with 35 U.S.C. 101. The claims involve the use of a depot and a material flow system. A logic device is provided and is used to manage the material flow system. The apparatus, i.e., the web-fed rotary printing press, the material flow system, the depot with storage spaces and the like, are recited with particularity. The depot management system, which is a physical part of the depot, implements the claimed method, together with the other recited physical elements. The performance of the claimed method results in the transformation of a particular article. The rolls of material are prepared and are shifted in their positions in the depot in accordance with this planned usage. The performance of the claimed method does not involve an application of a law of nature. For all of these reasons, as was discussed during the interview on January 6, 2011, it is believed that the claims which are now pending in the subject patent application are directed to eligible subject matter under 35 U.S.C. 101.

Claims 37-40, 42-66, and 69 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent No. 6,594,535 to Costanza in view of U.S. patent No. 4,803,634 to Ohno et al. Claim 41 was rejected under 35 U.S.C. 103(a) as being

unpatentable over Costanza in view of Ohno and further in view of the Examiner's Official Notice.

In the final Office Action, the Costanza patent was asserted as providing a teaching of various aspects of independent claim 37 of the subject application. It is initially to be noted that the tactic of reciting phrases from the claim, and then asserting that the reference provides these steps, is not necessarily an accurate representation of the actual teachings of the reference. It is not contested that Costanza shows a material flow system and that a computer is disclosed as part of the system set forth in the reference. The discussion at the top of page 4 of the Detailed Action attempts to attribute various ones of the steps recited in claim 37 of the subject application to the disclosure of Costanza, specifically at column 4, lines 13-29,. The undersigned respectfully disagrees.

The Costanza patent is directed to a system for distributing raw materials that will be used in the production of a mechanical assembly, such as a tricycle. As seen more clearly in Fig. 2., all of the raw materials needed to assemble such tricycles, such as nuts, bolts, wheels, paint and the like, are delivered to raw inventory, depicted at 205. From this raw inventory 205, various materials are dispatched to spaced points of usage which are located along a main production line 201 and also along a sub-assembly production line 202. Each point of usage is supplied individually from the raw inventory. This is done by locating the specific material which will be required at each point of usage into a bin and transporting that bin to the particular point of usage. Once the individual items, such as, for example, pedals or seats or handlebars, are delivered to each of their respective points of usage, they are merely held there until they are to

be used. All of the elements at each point of usage are the same. There is no teaching, or suggestion, in the Costanza reference, of any reordering or relocating of the elements at such point of usage for the purpose of optimization of tricycle assembly.

In his discussion of the teachings of the Costanza reference, the Examiner asserts that column 4, lines 13-29 disclose the provision of a material flow system with production-relevant data. In fact, Costanza discloses the steps of: 1) determining the material requests for the manufacturing line; 2) defining pull sequences of material to the processes on the manufacturing line, and 3) sizing the replenishment containers for each point of usage. There is no teaching or suggestion in Costanza of the determination, in a first partial process of the material flow system, a production-oriented storage strategy. There is also no teaching or suggestion in Costanza of determining, in a second partial process of the material flow system, information on the occupancy in a depot. It is again noted that merely asserting that a reference teaches steps of the claimed invention by attributing claim language to the reference is not a convincing argument.

If the various points of usage resupply of Costanza are, in fact, equivalent to the depot of the subject invention, it is to be noted that there are a plurality of individual ones of those points of usage resupply areas in Costanza, not the single depot of the subject invention. It is also to be noted that the point of usage resupply areas of Costanza are essentially parts bins, each of which holds a different item. These parts bins are refilled from the raw material supply by the use of replenishment containers that are filled at the raw inventory and that are moved to the point of usage resupply where they are dumped. This is not remotely the same, or similar, to the process or the

method that is recited in the subject application.

It is admitted, in the final Office Action, that the Costanza reference is silent with respect to a flow system for a planned production run for a web-fed rotary printing machine. Costanza also is silent as to any discussion of a depot for storing prepared and unprepared rolls of material. Costanza is further silent regarding the use of any strategy for repositioning prepared and unprepared rolls in the depot for optimized delivery of the prepared rolls to the roll changer. The secondary reference to Ohno is relied on for providing the teachings of the subject invention which are clearly not present in the Costanza reference. As was discussed during the interview, and for the reasons to be set forth below, the undersigned respectfully disagrees.

The secondary reference to Ohno et al., U.S. patent No. 4,803,634, is directed to a production process control system in newspaper printing. As such, it is in the same general area of endeavor as the subject application. However, there are various significant differences between the method or process disclosed, and claimed, in the subject patent application, and the method or process disclosed in the Ohno reference. The chief one of these differences is the complete lack of a depot in the Ohno reference. Further, there is no teaching or suggestion in Ohno of any type of repositioning of prepared rolls and of rolls yet-to-be-prepared to position the prepared rolls closer to the printing press and to locate the rolls yet-to-be-prepared closer to the roll preparation station.

As was discussed during the interview, the Ohno reference depicts, as may be seen most clearly in Fig. 29A, the path that rolls of paper follow during their storage and preparation prior to their being directed to the roll changers. As may be seen in the top

right side of Fig. 29A, the rolls of paper are delivered to a warehouse, generally at 26. In that warehouse, the rolls are unwrapped and are stored. The rolls of newsprint are received from the warehouse in response to commands provided by a storage control CPU, indicated at 3101. All of the rolls that are drawn from the warehouse then pass to the newsprint roll preparation floor, indicated at 26 in Fig. 29A. These rolls then pass through a splicing preparation device 3118 and are held in standby gates 3119.

As was discussed during the interview, the rolls placed in the standby gates 3119 would be the most analogous to the rolls placed in the depot of the present invention. However, the standby gate rolls of Ohno have all been prepared. They have been placed at the standby gates in accordance with a schedule determined by the newsprint roll preparation control device. Once the prepared rolls have been placed in the standby gates 3119, there is no disclosure or suggestion of their further repositioning. Additionally, as recited above, all of the rolls that are waiting in the standby gates 3119 have been prepared for a flying web splice. Clearly, the process described in the Ohno reference is not similar to the process disclosed, and claimed, in the subject application.

As was also discussed during the interview, the language of presently pending claim 37 has been further modified from the draft which was telefaxed to Examiner Ullah Masud on January 5, 2011. The term "optimizing delivery" has been defined by adding language with respect to the placement of the prepared rolls in the storage spaces in the depot that are adjacent to the press and the placement of the rolls which are yet-to-be-prepared at a location in the depot different from the location of the prepared rolls. It is believed that the additional language, which finds support in the Substitute Specification, and specifically at paragraph 087 thereof, adds additional

meaning to the term "optimizing" and further distinguishes the subject invention over the prior art cited and relied on.

For the various reasons set forth above, claim 37, as currently amended, is believed to be patentable over the prior art cited and relied on. All of the rest of the claims that are currently pending in the subject application depend, either directly or indirectly, from believed allowable, currently amended independent claim 37. These dependent claims are also thus believed to be allowable.


SUMMARY:

A Request for Continued Examination (RCE) is being filed concurrently. Independent claim 37 and several of the dependent claims are being amended in an effort to even more clearly patentably define the subject invention over the prior art cited and relied on. It is believed that all of the claims which are now pending in the subject invention are patentable over the cited prior art. Allowance of the claims and passage of the application to issue is respectfully requested.

Respectfully Submitted,

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